

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

TOM OGNIBENE, YVETTE VELAZQUEZ
BENNETT, et al, (see attached)

SUMMONS IN A CIVIL ACTION

V.

FREDERICK A.O. SCHWARTZ, JR., et al,
(see attached)

CASE NUMBER:

08 CV 01335

JUDGE SWAIN

TO: (Name and address of Defendant)

FREDERICK A.O. SCHWARTZ, JR., et al,
(see attached)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Charles Capetanakis, Esq.
Davidoff Malito & Hutcher LLP
605 Third Avenue
New York, New York 10158
(212) 557-7200

James Bopp, Jr., Esq.
Joe LaRue, Esq.
Bopp, Coleson & Bostrom
1 South 6th Street
Terre Haute, Indiana 47807 (812) 232-2434

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

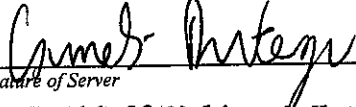
FEB 11 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	February 12, 2008
NAME OF SERVER (PRINT) Carmelo Arteaga	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="text-align: center; margin-top: 5px;">see attached</div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <div style="margin-left: 40px;">Name of person with whom the summons and complaint were left:</div> <input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>February 13, 2008</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 65%; text-align: center;">  <div style="text-align: left; font-size: small; margin-left: auto; margin-right: auto;"> Signature of Server c/o Davidoff Malito & Hutcher LLP 605 Third Avenue, 34th Floor New York, NY 10158 Address of Server </div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Plaintiffs:

TOM OGNIBENE, YVETTE VELAZQUEZ BENNETT, VIVIANA VAZQUEZ-HERNANDEZ, ROBERT PEREZ, FRAN REITER, SHEILA ANDERSEN-RICCI, MARTINA FRANCA ASSOCIATES, LLC, REITER/BEGUN ASSOCIATES, LLC, DENIS GITTENS, OSCAR PEREZ, MICHELE RUSSO, THE KINGS COUNTY COMMITTEE OF THE NEW YORK STATE CONSERVATIVE PARTY, and THE NEW YORK STATE CONSERVATIVE PARTY,

Defendants:

FREDERICK A.O. SCHWARZ, Jr., in his official capacity as Chairman of New York City's Campaign Finance Board; DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA, in their official capacities as Members of New York City's Campaign Finance Board; MARK DAVIES, in his official capacity as Executive Director of the New York City Conflicts of Interest Board; MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE, in their official capacity as Members of New York City's Board of Conflicts of Interest; and MICHAEL MCSWEENEY, in his official capacity as Acting City Clerk of New York City,

COMPLAINT

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00370665

Plaintiffs:

TOM OGNIBENE, YVETTE VELAZQUEZ BENNETT, VIVIANA VAZQUEZ-HERNANDEZ, ROBERT PEREZ, FRAN REITER, SHEILA ANDERSEN-RICCI, MARTINA FRANCA ASSOCIATES, LLC, REITER/BEGUN ASSOCIATES, LLC, DENIS GITTENS, OSCAR PEREZ, MICHELE RUSSO, THE KINGS COUNTY COMMITTEE OF THE NEW YORK STATE CONSERVATIVE PARTY, and THE NEW YORK STATE CONSERVATIVE PARTY,

**all c/o Davidoff Malito & Hatcher, LLP
605 Third Avenue
New York, New York 10158**

Defendants:

FREDERICK A.O. SCHWARZ, Jr., in his official capacity as Chairman of New York City's Campaign Finance Board; DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PLAZZA, in their official capacities as Members of New York City's Campaign Finance Board;

**all c/o Campaign Finance Board
40 Rector Street
7th Floor
New York, New York 10006**

MARK DAVIES, in his official capacity as Executive Director of the New York City Conflicts of Interest Board; MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE, in their official capacity as Members of New York City's Board of Conflicts of Interest;

**all c/o Conflict of Interests Board
2 Lafayette Street
Suite 1010
New York, New York 10007**

and MICHAEL MCSWEENEY, in his official capacity as Acting City Clerk of New York City,

**c/o 1 Centre Street
New York, New York 10007**

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**TOM OGNIBENE, YVETTE VELAZQUEZ
BENNETT, VIVIANA VAZQUEZ-HERNANDEZ,
ROBERT PEREZ, FRAN REITER, SHEILA
ANDERSEN-RICCI, MARTINA FRANCA
ASSOCIATES, LLC, REITER/BEGUN
ASSOCIATES, LLC, DENIS GITTENS,
OSCAR PEREZ, MICHELE RUSSO, THE KINGS
COUNTY COMMITTEE OF THE NEW YORK
STATE CONSERVATIVE PARTY, and THE NEW
YORK STATE CONSERVATIVE PARTY,**

08 cv 01335 (LTS)

AFFIDAVIT OF SERVICE

Plaintiffs,

-against-

FREDERICK A.O. SCHWARZ, Jr., in his official capacity as Chairman of New York City's Campaign Finance Board; **DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA,** in their official capacities as Members of New York City's Campaign Finance Board; **MARK DAVIES,** in his official capacity as Executive Director of the New York City Conflicts of Interest Board; **MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE,** in their official capacity as Members of New York City's Board of Conflicts of Interest; and **MICHAEL MCSWEENEY,** in his official capacity as Acting City Clerk of New York City,

Defendants.

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

CARMELO ARTEAGA, being duly sworn, deposes and says, that:

1. I am not a party to this action, am over 18 years of age, and reside in New York, New York.

2. On February 12, 2008, at approximately 12:26 P.M., I served the Summons, Complaint for Declaratory and Injunctive Relief and Local Rule 7.1 Statement upon defendants in this matter, FREDERICK A.O. SCHWARZ, Jr., DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA, at their office, c/o New York City's Campaign Finance Board; located at 40 Rector Street, 7th Floor, New York, New York 10006, by personally delivering and leaving five (5) copies of same with Chris Oldenburg, an attorney in said office, who represented to me that he was authorized to accept service and was a person of suitable age and discretion.


3. I hereby describe Mr. Oldenburg to the best of my ability at the time and circumstance of my service: male, Caucasian, brown eyes, brown hair, with glasses, approximately 38 - 45 years of age, approximately 6'1" tall, and 180-190 lbs.

4. On February 12, 2008, at approximately 1:09 P.M., I served the Summons, Complaint for Declaratory and Injunctive Relief and Local Rule 7.1 Statement upon defendants in this matter, MARK DAVIES, MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE, at their office, c/o New York City's Board of Conflicts of Interest, located at 2 Lafayette Street, Suite 1010, New York, New York 10007, by personally delivering and leaving five (5) copies of same with Veronica Garcia, a secretary in said office, who represented to me that she was authorized to accept service and was a person of suitable age and discretion.

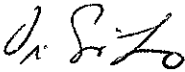
5. I hereby describe Ms. Garcia to the best of my ability at the time and circumstance of my service: female, Hispanic, light brown hair, approximately 35 - 40 years of age, approximately 5'16" tall, and 150-160 lbs.

6. On February 12, 2008, at approximately 12:55 P.M., I served the Summons, Complaint for Declaratory and Injunctive Relief and Local Rule 7.1 Statement upon defendant in this matter, MICHAEL MCSWEENEY, at his office, c/o City Clerk of New York City, located at 1 Centre Street, 2nd Floor, New York, New York 10007, by personally delivering and leaving a copy of same with Jose Gonzalez, the chief of staff in said office, who represented to me that he was authorized to accept service and was a person of suitable age and discretion.

7. I hereby describe Mr. Gonzalez to the best of my ability at the time and circumstance of my service: male, Hispanic, brown hair, approximately 30 - 35 years of age, approximately 6'2" tall, and 200-210 lbs.


Carmelo Arteaga
License No. 1095353

Sworn to before me this
13th day of February, 2008



Notary Public

OISI LO
Notary Public, State of New York
No. 01LO5034923
Qualified in Kings County
Commission Expires October 24, 20 10